Previous references.

190 .

(Courts)

File No. 15-2

Serial Nos. J/1903-04 1-8

Later references.

Sls 9-12 B of this file

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-8

Part B. for

SUBJECT.

Appeal against the order of acquital of Ramiah and Linjiah passed by the Sessions Judge Mysore in Sessions Case No. 9 of 1902-03 on his file

---

No. 572 dated the 19th December 1902 (J. 837)
From the 2d Magistrate Mysore
Requests to direct the Govt Advocate to prefer an appeal to the chief Court against the order of acquittal passed by the Sessions Judge in Mysore in Sessions case No. 9 of 1901-02

2. J 1111-13 dated the 5th February 1903
To the 2d Magistrate, the Govt Advocate and the Registrar chief Court
Directs the Govt Advocate to file an appeal in the chief Court against the order of acquittal passed by the Sessions case Judge referred to in the ~~C. P. S. 56~~ above and requests that the result of the appeal be intimated to Govt

3. J 9 dated the 9th February 1903 (J 1062)
From the Govt Advocate
Has filed the appeal and returns

the original records for return to the Sessions Court for submission to the Chief Court when called for

No. J 121 dated the 13th February 1903
To the Dt. Magistrate Mysore
Forward the entire records in the case for return to the Sessions Court.

No. 125 dated the 1st September 1903 (J 332)
From the Dt. Magistrate Mysore
Reports that the Chief Court have dismissed the appeal on the ground that one of the accused was dead and the other had absconded and his whereabouts were unknown

No. J 686 dated the 23rd September 1903
To the Govt Advocate Mysore
Requests that a copy of the Judgment of the Chief Court in the appeal may be obtained and forwarded for the information of the Govt at an early date

73 dated the 9th October 1903 (J 462)
From the Govt Advocate
Forwards for information copy of the Judgment passed by the Chief Court in Criminal Appeal Case No 142 of 1902-03 (Mysore Sessions case No 9 of 1902-03)

No. J 837-8 dated the 26th October 1903
To the Dt. Magistrate Mysore and the Govt Advocate
Records the above and observes that in case the missing accused's whereabouts are ascertained the needful action should be taken by the Dt. Magistrate.

OFFICE OF THE DEWAN OF MYSORE,

(REVENUE AND GENERAL DEPARTMENTS).

(Full Office Note.)

---

‡ 1. No. and date of latest letter or paper.
2. Catch words to show nature of subject.
3. Subject to be in red and body of note in black ink.

Subject. ‡‡

Letter No. 542 dated 6th December 1902, from the Dt. Magistrate of Mysore requesting that the Govt. Advocate may be directed to present an appeal to the Chief Court against the order of acquittal of the accused passed by the Sessions Judge in Mysore Sessions Case No. 1902-03.

Note.

Two persons named Ramiah and Linga Gowda were charged before the Sessions Court of the Mysore Division, with the murder of one Mallikarjuniah who was travelling along with two other persons named Siddiah and Ponna Gowdaly on the evening of the 26th March 1902, from Belatur in the Sattyamangala Taluk, Coimbatore Dt. to Perakkanambi in the Mysore Dt. to attend the 'Sauthe' there. The above named Siddiah and Ponna Gowdaly who identified the accused persons, were eye witnesses to the deed. The Sessions Judge Considering

---

* 1. Statement of case in narrative form in regular sequence of subject matter or date.
2. Opinions to be stated only as supported by precedents, or general rules which should always be quoted.
3. Serial numbers in file, &c., to be always stated.
4. Dates of important documents referred should be given.
5. Write on both sides, leaving the same side as margin.

that the direct evidence was not free from doubt especially as the Doctor Acyuta Rao who was examined as a witness in the case, stated that the 1st accused Ramiah Coldrop could not have his right hand freely as it was injured some time back and so could not have struck the deceased with a Chopper with his right hand only as stated by witness Sidiah and acquitted both the accused persons.

The Govt Advocate who was consulted by the Dt Magte is of opinion that this is a fit case for appeal to the High Court, on the ground that this is not a case in which the evidence of an expert can be acted upon. The memo of the Police Inspector in charge explains the reasons for an appeal in greater detail.

A draft sanctioning the Dt Magte's proposal is put up for approval.

Submitted

24/12/02

9-12-02
Sellicunnu

Submitted to the Diwan through the 2nd Councillor

24/12/02

I agree that this is a fit case for an appeal - I accordingly approve of the draft - C Rajagopalachari
30/12/02

Submitted to the Dewan

3/12

Rodocchi
1.1.03.
7947

Draft issued —

The Dt Magte now reports that the Chief Court have dismissed the appeal preferred by Govt on the ground that one of the accused was dead and the other had absconded. Submitted for orders with a draft 'according' the Dt Magte's letter.

8/12/03

12/9

The Dewan
through the 2nd
Councillor

Why has not the Govt Advocate obtained a copy of the Chief Courts judgment and sent it here for information? I doubt whether the dismissal of an appeal can legally result from "the accused having absconded & then whereabouts not known"

12/9

Draft issued
11/12-9-03

Draft issued
12.9.03

Draft issued.

In reply, the Govt Advocate has submitted a copy of the Judgment of the Chief Court. It appears therefrom that one of the accused persons has been murdered and the other who is a native of the Coimbatore Dt., is said to be not traceable. The appeal has therefore been rejected.

Submitted for orders

L 12/10/03

12/10/03 with a recording draft

L 12/10/03

13/10/03

To the L... thro ...illor.

To the Dewan, through the 2nd. Councillor. 14/10/03

L 13/10/03

I agree to the draft which however I would add the observation that in case the missing accused's whereabouts are ascertained the needful action should be taken.

L. 14/10/03

Adm. Mat. and C.

M

13433/16.7.03

14/10.

M 15.10.03

Draft issued

Gen. 31]

~~189~~ 1902

6985

22 DEC. 1902

831

From A Ramaniyengar Esqr
Distct Magistrate
Mysore

To H.V. Nanjundayya Esqr M.A.M.L.
Secy: to the Govt: of Mysore
Jdl Rev Departments.

Dated 9th December 1902.

Despatched

Received

General No. 572
No.

Enclosure No. one file —

Requesting to direct the Govt: advocate to prefer an appeal to the Chief Court against the order of acquittal passed by the Sessions Judge in Mysore Sessions Case No 9 of 1901-02.

Just
22.12.02

Draft order directing ...

Issue draft
22/12

Office of the District Magistrate

Mysore

Dated Mysore 19th December 1902.

1st No. 542

En renvoi -

No 1

M.V. Narjundayya Esqr. M.A. M.L.

Secretary to the Govt: of Mysore

General and Revenue Departts.

Sir,

In submitting herewith the entire records in Mysore Sessions Case No. 9 of 1901-02, together with the records of the preliminary enquiry (Case No. 54 of 1902-03) before the Committing Magistrate, I have the honor to request that Government may be pleased to direct the Government Advocate, to prefer an appeal to the Chief Court on behalf of Government against the order of acquittal passed by the Sessions Judge in the said Case.

2 The Government Advocate, who was consulted in the matter, has given his opinion

that the present case is a fit one for preferring an appeal on behalf of Govt.

3. A copy of Docket No 123 dated 17th December 1902, from the Government Advocate and also a memo of appeal grounds, prepared by the Assistant Superintendent of Police, Mysore, are herein enclosed for reference.

I have the honor to be,

Sir,

Your most obedient servant.

A Kendlingaiah

District Magistrate

Mysore

From

The Government Advocate

in Mysore

To

The District Magistrate

Mysore

Dated 17th December 1902

No 123

Exc No 4.

Sir,

In reply to your letter No 1216 dated 5th instant, I have the honor to state that in my opinion it is a fit case for appeal. This is not a case in which the evidence of an expert can be acted upon. The Doctor cannot positively state that the accused Ramiah could not make a free use of his right hand in the manner as deposed by the witnesses. The Doctor does not depose that the accused Ramiah is disabled to make use of his right hand. Moreover, this by itself is not sufficient to discredit the evidence of the two witnesses

this case.

The enclosures are herewith returned -

I have &c

/Signed/ S. Ramaswami.
Government Advocate

"Copy"

District Magistrate
Tiruvur

Read:—

Letter No 542 Dated 6th December 1902 from the Dt Magte. of Mysore requesting that the Govt Advocate may be directed to prefer an appeal to the High Court against the order of acquittal of the accused passed by the Sessions Judge, Mysore Division in Mysore Sessions Case No 9 of 1902-03, and stating that the Govt Advocate who was consulted in the matter is of opinion that this is a fit case for preferring an appeal on behalf of Govt.

Order thereon:—

Under Section 417 of the Code of Criminal Procedure the Govt are pleased to

Po J 1111-13 & 5/2/03

Mcd 30.1.03

(See also remarks on other note)

Hl 31/1/03 Dorey 31-1-03

to direct the Government Advocate to file an appeal in the High Court against the order of acquittal passed by the Sessions Judge, Mysore Dt. in the case referred to above.

2. The result of the appeal should be reported for the information of Govt.

31/12

1/1/12 Secretary

The Dt Magte Mysore.

The Govt Advocate with records memo.

The Registrar, High Court

8630
90
J 1062 No 149
10.2.03 Send back Encl. No: 1 Record
10.2.03

Office of the Government Advocate
in Mysore.
Bangalore.
Dated 9th February 1903

From

The
Government Advocate
in Mysore.

To

The Secretary to the Government
of Mysore (Revenue and
General Department)

Sir,

As directed in the proceedings
of Government No: J 1111-13 dated 5th
instant, I have this day filed an
appeal in the Chief Court, against
the order of acquittal passed by
the Sessions Judge of Mysore in
Sessions Case No: 9 of 1902-03.

The Chief Court in their proceedings
No: 3533/2394 dated 10th December 1902, have
ruled that the practice of filing the
original Records must be discontinued
and that they should be sent for

from the proper Courts, with -
true Copies of Exhibits &c.; in
those Courts, I have filed only
the Copy of Record with the
proposed Petition.

I have herewith returned
the Record, and request that
the Cases may be returned
to the Sessions Court for sub-
mission to the Chief Court when
called for, after the admission of
the appeal.

I have the honor to be
Sir
Your most Obedient Servant

S Pearson

Government Advocate.

To.

The District Magte

Mysore Dt.

Dated 13/2/03.

No J 1221

Ref: Records

~~Has~~ In continua-
tion of Govt Proc:
No 9.1111-13 dated
5th February 1903,
has the honour
to forward herewith
the entire records
in Mysore Sessions
Case No 9 of 1902-03
for ~~transmission~~ return
to the ~~Sessions~~ Court
~~for submission to the~~
~~chief Secretary~~ in due
~~course~~.

By order

13/2/03

for Secretary

1903 J 332

From
M Kanakaraya Aiyar Esq B A
District Magistrate
Mysore

To
H C Rangachariyar Esq
M A M L
Secy to the Govt of Mysore
Gen & Rev Department

Dated 1st September 1903.
Despatched
Received
General No. 125
No.

Enclosure No. —

Reporting the result of the appeal preferred to the Chief Court against the order of acquittal passed by the Sessions Judge in Sessions Case No 9 of 1902-03.

MGCPB—50 reams—6-12-02.

No: 125

Office of the Distt: Magis-
-trate of Mysore
Dated 12th September/03.

From,

M. Kantheraj Urs Esq: B.A.
District Magistrate
of Mysore

To,

H. V. Nanjundayya Esq. M.A. & M.L.
Secretary to the Govt of
Mysore
General & Rev: Depotts:

Sir,

Referring to Government Proceedings No: J 1111-13 dated 5th February 1903, directing that the result of the appeals preferred to Chief Court, against the order of acquittals passed by the Sessions Judge of Mysore in Sessions Case No: 9 of 1902-03 be reported to Government, I have the honor to state that the Chief Court have dismissed the appeals (Nos: 142 & 1902-03) on the ground that one of the accused was dead, and the other had absconded and his whereabouts were unknown.

I have the honor to be
Sir
Your most obdt Servt.

Distt: Magte of Mysore

Office Draft. (Docket.)

Mysore Government,
Secretariat, General & Revenue
Branch.

To The Government
Advocate, in
Mysore —

Date of passing the draft 23/9/03
Date of despatch

Regd. No. 686
File No. & date (if any)

No. of Encls. —

Govt Progs: No
J. 1111–13 dated 5th February
1903, ~~sanctioning~~ directing that an appeal be filed in the High Court against the order of acquittal of the accused persons passed by the Sessions Judge, Mysore Division in Mysore Sessions Case No 9 of 1902-03.

Adverting to the above, I have the honour to request that a copy of the judgment of the High Court in the appeal

case filed as directed
above, may be obtained
and forwarded
for the information
of Gorbal at an early date

By order

[illegible]

For Secretary

RH
19/8/03

Typed
9.
21.8.03

J462

No. 73
En. No. 1

OFFICE OF THE
GOVERNMENT ADVOCATE IN MYSORE.

DATED 9th October 1903

From

THE GOVERNMENT ADVOCATE
IN MYSORE.

To

THE SECRETARY TO THE GOVERNMENT OF MYSORE,
GENERAL AND REVENUE DEPARTMENTS.

Sir,

In reply to your letter No: J686 dated 23rd September 1903 I have the honor to forward for information, copy of Judgment passed by the Judges of the Chief Court in Criminal appeal No: 142 02 03. (Mysore Sessions Case No: 9 of 020.

I have the honor to be
your most Obedient
Servant
S Rama Rao
Government Advocate.

In the Chief Court of Mysore at Bangalore.

Tuesday, the 30th day of June 1903

Present

The Hon'ble Mr. Justice A. Ramachendra Iyar
Chief Judge.

and

Mr. Justice G. H. Meiklejohn. Judge.

Criminal Appeal No: 142 of 1902-03

Government of Mysore
By Government Advocate
Mr. S. Ramasamy Iyar } Appellant.

vs

1. Ramia
2. Lingia } Respondents (Accused)

Appeal against the order of the Sessions Judge of Mysore, in Mysore Sessions Case No: 9 of 1902-03, acquitting the said accused.

This appeal coming on for hearing on Monday the

the 29th day of June 1903, the Court pronounced the following order:

This is an appeal against an order of acquittal made by the Sessions Judge of Mysore in August 1902. The appeal was admitted in February 1903 and notices were sent to the two accused persons. The notices were not served since it was reported that the first accused had been murdered and that the second accused had absconded. The hearing of the appeal was adjourned from 18th March to 29th June, in order to give sufficient time to the Government Advocate to consider what he might do under the above mentioned circumstances. He admits that the report about the murder of the first accused

is true, and he is not in a position to state that there is a reasonable prospect of serving the second accused with notice of the appeal. This accused is a native of the British District of Coimbatore. The District Magestrate of Coimbatore reports that a warrant was issued seven or eight months before March 1903 for the arrest of this accused for an offence committed in that district, and that it remained unexecuted since the police were unable to ascertain his place of abode. We see no use in sending another notice to Coimbatore, and we reject the appeal.

(Sd) A. Ramachendra Ayar.
Chief Judge.

(Sd) G. F. Meiklejohn.
Judge.

"True Copy"
S Ramaier
Government Advocate.

Mysore Govt., Gen. & Rev. Secretariat

Branch

File No. (if any) and its date—

Office Draft.

Progs. of the Govt. of H. H. the Maharaja of Mysore.

Read: Letter No 125 dated 1st September 1903 from the Dt Magte of Mysore reporting with reference to Govt Progs No 1111-13 dated 5th February 1903, that the Chief Court have dismissed the appeal preferred against the acquittal of the accused by the Sessions Judge, Mysore on in Mysore Sessions ~~Order~~: case No 9 of 1902-03 on the ground that one of the accused was dead and the other had absconded and his whereabouts were unknown.

(2) Letter No 73 dated 9th October 1903, from the Govt Advocate in Mysore, forwarding a copy of the judgment of the Chief Court in the appeal case referred to in the above.

Order thereon:—

Recorded, with the observation that in case the main accused, who ~~was~~ absconded ~~is~~ was taken by the Dt Magte

To the Dt Magte Mysore

V
/837-8/
26/10/03.

22.X.03